

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

USSC HOLDINGS CORP., et al.,)

3:16-cv-00398-RCJ-WGC

Plaintiffs,)

**ORDER REGARDING COURT ORDER
(ECF No. 48) DENYING WITHOUT
PREJUDICE DEFENDANTS'
MOTION FOR SANCTIONS/MOTION
TO COMPEL (ECF No. 42)**

vs.)

TK PRODUCTS, LLC., et al.,)

Defendants.)

On January 26, 2017, the court denied the motion of Defendants TK Products, LLC, Kurt O. Bauer and Trent Farrer (ECF No. 42) to hold Livespark, Inc., in contempt and to compel Livespark's compliance with a subpoena. Among the grounds the court cited for denying Defendants' motion (without prejudice) was the apparent failure of Defendants to have served Livespark with Defendants' motion. (ECF No. 48 at 1.) While the Certificate of Service accompanying Defendants' motion did not reflect service on Livespark (ECF No. 42 at 6; 1/6/2017), it has come to the court's attention that Defendants subsequently filed a "Proof of Service" on Livespark's resident agent, Nevada Legal Forms, Inc. (ECF No. 47, 1/18/2017.)

The court overlooked the Proof of Service of the motion. Nevertheless, the conclusion reached in the court's order remains. The same rationale the court expressed in the order as to the questionable validity of the service of the underlying subpoena on Livespark's resident agent apply equally as well to the putative service of the motion, also on the resident agent. (Order, ECF No. 48, at 2-5.)

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1 Accordingly, the court re-affirms its Order denying Defendants' Motion for Sanctions/Motion
2 to Compel (ECF No. 42).

3 **IT IS SO ORDERED.**

4 DATED: January 31, 2017.

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6 WILLIAM G. COBB
7 UNITED STATES MAGISTRATE JUDGE
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